

REMARKS

Applicant is in receipt of the Office Action mailed October 12, 2006. Claims 1 – 24 were pending. Claims 2, 3, 7, 9 – 19, and 23 have been amended. Claims 25 – 30 have been added. Accordingly, claims 1 – 30 are pending in the application.

Objection to the Specification

The Office Action objected to the specification for various informalities, including the use of acronyms without recitation of the component terms of the acronyms. Applicant has amended the specification to correct the informalities. Accordingly, Applicant respectfully requests withdrawal of the objection to the specification.

Objection to the Claims

The Office Action objected to claims 7, 15, 17, and 23 for the use of acronyms without recitation of the component terms of the acronyms. Applicant has amended the claims to recite the component terms of the acronyms. Accordingly, Applicant respectfully requests withdrawal of the objection to the claims.

Section 112 Rejection

Claims 2, 3, 10, 11, 18, and 19 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In particular, the Examiner argues that the term “optionally” is indefinite. Applicant disagrees with the Examiner’s interpretation of the term “optionally.” However, to expedite prosecution, Applicant has amended claims 2, 3, 10, 11, 18, and 19 to remove the term “optionally.” Applicant has also added new claims 25 – 30 which are respectively supported by the original claims 2, 3, 10, 11, 18, and 19. Accordingly, Applicant respectfully requests withdrawal of the §112 rejection.

Section 101 Rejection

Claims 9 – 16 are rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Applicant has amended claims 9 – 16 to recite, in pertinent part, a “computer-accessible memory medium.” Applicant therefore submits that claims 9 – 16 are directed to statutory subject matter and respectfully requests withdrawal of the §101 rejection.

Section 102 and 103 Rejections

Claims 1 – 6, 8 – 14, 16 – 22, and 24 are rejected under 35 U.S.C. §102(b) as being anticipated by Turpin, et al. (U.S. Patent No. 6,144,992), hereinafter “Turpin.” Claims 7, 15, and 23 are rejected under 35 U.S.C. §103(a) as being unpatentable over Turpin in view of Vigue, et al. (U.S. Patent No. 6,983,326), hereinafter “Vigue.” Applicant respectfully traverses the rejections in light of the following remarks.

Claim 1 recites:

A method comprising:

- receiving software at one or more remote computer systems; and
- receiving instructions for installing the software at the one or more remote computer systems, wherein the instructions for installing the software comprise one or more messages in a portable format;
- translating the instructions for installing the software from the portable format to an executable format at each of the one or more remote computer systems, thereby generating executable instructions; and
- executing the executable instructions to install the software at each of the one or more remote computer systems.

Regarding claim 1, Applicant respectfully submits that Turpin fails to teach or suggest a method comprising “translating the instructions for installing the software from the portable format to an executable format at each of the one or more remote computer systems, thereby generating executable instructions.” In rejecting this limitation of claim 1, the Office Action cites the Abstract and col. 5, lines 19 – 25 of Turpin in support. In col. 5, lines 19 – 25, Turpin discusses the operation of an IMGSLAVE program resident on recipient (slave) computer systems:

The IMGSLAVE program operates in only one mode of operation. Specifically, it opens a communication socket on the network, listens for data received on that socket, and then processes the data received on the socket. Each packet of data received on the socket contains a command field which tells IMGSLAVE what the data contained in the packet is used for and how the data is to be processed.

Therefore, Turpin's recipient computer system receives packets of data and executes commands located in the command field of each packet to process the data accordingly. The commands disclosed by Turpin include functions executable by the slave to respond to the master to indicate participation in the download, ask the master to resend the data, and disconnect the slave from the master (col. 5, lines 30 – 47). The commands disclosed by Turpin also include functions executable by the master to compare the geometry of the master image with that of the slave, acknowledge that the slave has joined the process and that the master knows the slave is ready, write the data to a receive buffer, write the data to the receive buffer and flush the data to disk, skip this track, indicate that the master has finished sending data, exit the master program, and acknowledge the slave disconnect (col. 5, lines 30 – 47). Applicant submits that none of these commands, nor any other aspect of Turpin, is executable to translate the instructions for installing the software from the portable format to an executable format at each of the one or more remote computer systems, thereby generating executable instructions.

Applicant reminds the Examiner that anticipation requires the presence of each and every limitation of the claimed invention, arranged as in the claim, in a single prior art reference. M.P.E.P 2131; *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984). The identical invention must be shown in as complete detail as is contained in the claims. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). As discussed above, Turpin fails to disclose a method comprising “translating the instructions for installing the software from the portable format to an executable format at each of the one or more remote computer systems, thereby generating executable instructions.” Therefore, Turpin cannot be said to anticipate claim 1.

Thus, for at least the reasons discussed above, the rejection of claim 1 is not supported by the cited art, and removal thereof is respectfully requested. Independent claims 9 and 17 are believed to patentably distinguish over Turpin for at least the same reasons.

Regarding claim 2 (as amended), Applicant respectfully submits that Turpin fails to teach or suggest a method “wherein the instructions are sent and received using peer-to-peer message passing between a first computer system, the one or more remote computer systems, and one or more intermediary computer systems.” Turpin discloses several modes of operation for a master computer system (executing an IMGBLSTR program) and one or more slave computer systems (executing an IMGSLAVE program) (col. 4, line 46 – col. 5, line 47). None of the modes of operation include one or more intermediary computer systems. At col. 5, lines 19 – 25, Turpin specifically states that the IMGSLAVE program is operable only to listen for data and execute the commands found in the data (as discussed above with respect to claim 1). None of the commands are operable to implement the sending and receiving of instructions using peer-to-peer message passing between a first computer system, the one or more remote computer systems, and one or more intermediary computer systems.

Thus, for at least the reasons discussed above, the rejection of claim 2 is not supported by the cited art, and removal thereof is respectfully requested. Claims 3, 10, 11, 18, and 19 are believed to patentably distinguish over Turpin for at least the same reasons.

Applicant also asserts that numerous other ones of the dependent claims recite further distinctions over the cited art. However, since the rejection has been shown to be unsupported for the independent claims, a further discussion of the dependent claims is not necessary at this time.

For at least the reasons discussed above, Applicant submits that all pending claims are in condition for allowance and respectfully requests withdrawal of the §102(b) and §103(a) rejections.

CONCLUSION

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above-referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. The Commissioner is hereby authorized to charge any fees which may be required or credit any overpayment to Meyertons, Hood, Kivlin, Kowert & Goetzel P.C., Deposit Account No. 50-1505/5602-12200/JCH.

Also filed herewith are the following items:

- ☐ Request for Continued Examination
- ☐ Terminal Disclaimer
- ☐ Power of Attorney By Assignee and Revocation of Previous Powers
- ☐ Notice of Change of Address
- ☐ Other:

Respectfully submitted,

/Mark K. Brightwell/

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AGENT FOR APPLICANT(S)

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